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In the December 6 Office Action, the Examiner requested that any response be accompanied by a 3½ inch IBM format floppy disk containing a duplicate copy of the response. In accordance with this request, such a floppy disk accompanies this response.

The subject application is a continued prosecution application (CPA) filed September 14, 2000. Pursuant to 35 U.S.C. §103(c), which was amended effective Nov. 29, 1999 (Public Law 106-113),

Subject matter developed by another person, which qualifies as prior art only under one or more of sub-sections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

LEE & HAYES, PLLC

1 Applicant respectfully submits that Kubo alone does not disclose or suggest
2 the subject matter of claims 1-39. Thus, given that Jones is not a useable prior art
3 reference under 35 U.S.C. §103(a) for the subject application, Applicant
4 respectfully submits that claims 1-40 are allowable over the cited references.

5 Claims 1-40 are in condition for allowance. Applicant respectfully requests
6 reconsideration and issuance of the subject application. Should any matter in this
7 case remain unresolved, the undersigned attorney respectfully requests a telephone
8 conference with the Examiner to resolve any such outstanding matter.

9
10 Respectfully Submitted,

11 Date: March 5, 2001

12 By: 

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